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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

50277-1607

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on September 16, 2005

Signature

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Application Number

09/872,566

Filed

5/31/2001

First Named Inventor

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Art Unit

2152

Examiner

NGUYEN, Trong Nhan P

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

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applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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REMARKS

As will be seen from the discussion below, there are clear errors of fact in the Examiner's rejections. All of the arguments below are already of record.

Claim 3

Claim 3 requires, among other features, that "the device profile information includes a buffer size describing a number of characters the mobile device can receive on input without loss of data." The Office Actions relies on col. 6, lines 20-27 of Kanevsky to show this feature, allegedly. This passage of Kanevsky states that display mode message 103 can include characteristics of a client display, including a memory address. Further down, lines 45-48 of that column indicate that the memory related information could be used to calculate how much memory is available to display stored information.

However, the amount of memory available to display stored information has no relation to the number of characters that a mobile device can receive on input without loss of data. The amount of memory that a mobile device has available to display information might be considerably different from the amount of characters that a mobile device can receive before losing some or all of that input data. For example, a mobile device might be able to receive 1024 characters before its buffers overflow, and yet the mobile device might only be able to display 12 characters at a time. Even if a mobile device can only display 12 characters at a time, it does not follow that the mobile device will lose input data that exceeds 12 characters.

Thus, even though Kanevsky discloses that display mode message 103 can include a memory address, Kanevsky fails to teach or suggest that this memory address relates in any way to a buffer size that describes a number of characters that the mobile

device can receive on input without loss of input data. Display mode message 103 does not indicate the size of a buffer of this type. Consequently, Claim 3 is patentable over Kanevsky.

Claim 4

Claim 4 requires, among other features, that “the first data indicates that a particular graphical element of the plurality of graphical elements is current.” By way of example, this feature of Claim 4 is useful for indicating, in an XML document that has multiple field elements, which of the field elements is the current field element (see, e.g., page 47, lines 5-7 of the present application). The Office Actions relies on col. 7, lines 25-33 of Kanevsky to show this feature, allegedly. This passage of Kanevsky states:

Advantageously, the web page adaptor server 107 transforms web pages received from web site 106, via server 104, to adapt the content of the web pages to the size of the display 113 and also to satisfy the user's requirements as specified in the display mode message 103. Some examples of operations that the web page adaptor server 107 performs are the following: stripping objects from a web page if the display size of image 113 is small or adding contents of links to a web page if the display size of display 113 is large.

The passage does not appear to contain the word “current” or any other word that means something similar to the word “current.” Kanevsky does not appear to teach or suggest, anywhere, that data received from web sites 105 or 106 indicates that a particular graphical element within a plurality of graphical elements is “current.” Consequently, Claim 4 is patentable over Kanevsky.

Claim 5

Claim 5 requires, among other features, “requesting the device profile information from the mobile device.” The Office Action relies on col. 6, lines 20-27 of Kanevsky to show this feature, allegedly. As is discussed above in connection with Claim 3, this passage of Kanevsky states that display mode message 103 can include characteristics of a client display. The Office Action apparently correlates display mode message 103 with the “device profile information” of Claim 5, and client machine 100 with the “mobile device” of Claim 5. Kanevsky discloses that client machine 100 sends display mode message 103 to server 104 simultaneously with request message 102, but Kanevsky fails to teach or suggest that any entity **requests** the information contained in display mode message 103 **from** client machine 100. Therefore, Kanevsky does not teach or suggest the feature of “requesting the device profile information from the mobile device.” Consequently, Claim 5 is patentable over Kanevsky.

Claim 7

Claim 7 requires, among other features, that information managed at a mobile application server include “data indicating a particular data format for communicating with the mobile device.” The Office Action asserts, “the mobile application server [apparently referring to web page adaptor server 107] receives data in a plurality of formats from a plurality of content servers (105, 106, fig. 1) and converts the data into formats that are compatible and displayable by the plurality of devices.”

However, it appears that the only format in which web sites 105 and 106 communicate data to web page adaptor server 107 is HTML. Although web page adaptor server 107 converts HTML-formatted data that will not fit display 113 into other HTML-

formatted data that will fit display 113, web page adaptor server 107 does not appear to convert the **format** “for communicating” the data (HTML) at all. Although web page adaptor server 107 seems to be capable of maintaining information about the size of display 113, web page adaptor server 107 also does not appear to manage information that indicates a format (e.g., HTML or XML) for communicating with client machine 100. “Data format” is not among the characteristics that Kanevsky discloses may be included within display mode message 103. According to the language of Claim 7, the “data format” must be a data format “for communicating.” Kanevsky fails to teach or suggest that web page adaptor server 107 manages information concerning a data format “for communicating” with client machine 100. The “Official Notice” does not change this fact.

Claim 7 also requires, among other features, “**determining** whether an external converter converts from the first description to a second description using the particular format.” The Office Action sets forth “Official Notice” that such external converters are well known. However, even assuming that this is true, it does not follow from this assertion that any entity disclosed by Kanevsky **determines** whether the external converter can convert a first description, which does not use the particular format, to a second description that uses the particular format. The mere existence and use of such a converter is not evidence that some entity necessarily determines whether that converter can convert data from one particular format to another.

Web page adaptor server 107 does not make such a determination, and would not necessarily make such a determination even if an external converter were available. Even if web page adaptor server 107 allowed an external converter to perform conversions instead of web page adaptor server 107 (in order, as the Office Action alleges, to reduce

work on web page adaptor server 107), it still would not mean that web page adaptor server 107 ever made a determination as to whether the external converter could perform a particular kind of conversion—from one particular format to another. In fact, the Office Action does not even allege, even in taking “Official Notice,” that making such a determination would have been well known at the time that the present application was filed.

For at least the reasons set forth above, Claim 7 is patentable over Kanevsky, even in view of the “Official Notice.”

Remaining Dependent Claims

The pending claims not discussed so far are dependent claims that depend on an independent claim that is discussed above. Because each of the dependent claims includes the limitations of claims upon which it depends, the dependent claims are patentable for at least those reasons that the claims upon which the dependent claims depend are patentable.

Conclusion

Applicants request that the rejections of all the pending claims be reversed.